

87



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,274	07/08/2003	Vu Xuan Minh		7744

7590 03/08/2004

VU XUAN MINH
24 Ngo 231 Pho Kham Thien
Hanoi,
VIET NAM

EXAMINER

SUKMAN, GABRIEL S

ART UNIT	PAPER NUMBER
----------	--------------

3641

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,274

Applicant(s)

MINH, VU XUAN

Examiner

Gabriel S. Sukman

Art Unit

3641

CPO

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility.

The applicant has not presented a sufficient showing that the disclosed invention would operate as claimed to generate a force sufficient to propel a mobile object. To do so would disprove Newton's third law of motion, a revolutionary notion that the examiner is hesitant to endorse absent a detailed mathematical proof, experimental data, test results, or visual evidence of any kind. While the applicant has sought to validate his invention by manipulating Newton's third law in the first full paragraph of page 13 of the specification, the examiner maintains that the "individual fluid particle" analysis discussed therein is fundamentally flawed for failure to consider the generator as a whole and for focusing only on the specific interactions that would seem to effectuate the desired result. Fluid interactions cannot be picked and chosen, to the exclusion of all other forces and consequences, to show that a result is possible. The system must be considered as a whole. For instance, it must be realized that the fan 58, in providing gas to the chamber, reduces the pressure in the region below the disk stator, thereby casting doubt on applicant's crucial proposition that the pressure in that region is equal to P_0 , as disclosed. Further and more profoundly, the invention relies upon Bernoulli's equation, which relies on the downward deflection of a gas in reaction to the upward

Art Unit: 3641

force on an airfoil to produce lift, thereby conserving momentum. The analysis in the specification does not account for any downward forces produced by the gas that would necessarily arise if such lift were achieved. Treated as a whole, the instant application fails to put forth a cogent line of reasoning that would explain how the disclosed invention could operate under the laws of physics as they are currently understood. As such, it seems evident that in the absence of any mass expulsion or reaction forces, the disclosed device is of the pure "reactionless drive" type and is inoperative due to the widely held fundamental law of physics -- Conservation of Momentum.

The applicant may submit additional data or experimental evidence that would show successful operation of the disclosed invention.

Claims 1-20 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, the phrase, "whereby said gas volume sweeping over said fitting surface of said stator during the motion of said accompanying gas means," lacks any action and does not make grammatical sense.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10, 11, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,398,491 B1 to Joos et al. (hereinafter referred to as Joos).

All of the limitations of claim 1, when interpreted broadly, are taught by the turbocompressor of Joos. Joos discloses a force generator (the compressor generates numerous forces including the forces associated with the increased air pressure and heat), a stator (each of blades LE1-LE5 are stators, which are rigid), an accompanying gas means (rotor stages LA1-LA5) that accompany a gas volume (the volume of air passing through the compressor), a frame (housing, 12, the stators LE1-LE5 are secured to the frame, 12, under the rotor on the underside of the compressor, not

shown in the figures of Joos), and the gas sweeps over the surface of the stators as well as the "gas accompanying means" (the rotors).

Claim 2 is anticipated by Joos as well since the "gas accompanying means" comprises a rotor that includes a shaft (11), a shell (inner surface of housing, 12), and a plurality of dividing walls as claimed (blades, LA1-LA5).

Claim 3 is anticipated by Joos since the shaft (11) is secured to the dividing walls (LA1-LA5) by some assembling member.

Claim 4 is anticipated by Joos since the assembling member must be tubular in order to secure the blades around the tubular shaft.

Claim 5 is anticipated by Joos as well since either the inlet of the engine and/or the previous rotor/stator stage is a compensating gas means since it continuously introduces new air into the region as the compressed gas passes through.

Claim 6 is anticipated by Joos when the invention of Joos is applied to an aircraft having a turbofan engine.

Claim 7 is anticipated by Joos, as stated above, when a second or higher stage rotor/stator (LA2-LA5) is considered since the air is being fed by the previous stage, which is considered to be a "compressor."

Claim 10 is anticipated by Joos since the dividing walls (blades, LA1-LA5) are essentially plates and are seen in figure 1 to have a trapezium shape.

Claim 11 is anticipated by Joos when applied to an aircraft, since the engine burner and turbine would necessarily be operatively connected to the shaft by a

Art Unit: 3641

mechanical transmission means to drive the rotor, the turbine being the driving force of the shaft.

Claim 20 is anticipated by Joos, as well as any other jet aircraft.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,405,976 B1 to Jacoby

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel S. Sukman whose telephone number is (703) 308-8508. The examiner can normally be reached on M-F, 8:30-6:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3641

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gss



MICHAEL J. VARONE
SUPERVISORY PATENT EXAMINER